IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19/07/2002

CORAM

THE HONOURABLE MR. JUSTICE P.K. MISRA

W.P.NO. 400 OF 1996

P. Dinakaran .. Petitioner

Vs.

1. The Secretary to Govt.
of Tamil Nadu,
Housing and Urban Development
Department,
Madras 600 009.

2. The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,
Nandanam, Madras 35. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus as stated therein.

For Petitioner : Mrs.N. Nisha Banu

For Respondent-1: Mrs.N.G. Kalaiselvi
Special Government Pleader

For Respondent-2: Mr.D. Veerasekaran

:J U D G M E N T

This petition has been filed seeking for a direction to the respondents to give effect to G.O.Ms.No.656 dated 29.6.1978 issued by the Labour and Employment Department and consequently directing the respondents to provide suitable appointment to the petitioner. The petitioner claims that the petitioner and his family members were depending upon agriculture for earning their livelihood. Their entire agricultural lands, which were the only source of sustenance for the family members, were acquired for the purpose of Neighbourhood Scheme by the Tamilnadu Housing Board. The petitioner has submitted that in view of G.O.Ms.No.656 dated 29.6.1978, employment should be provided to at least one member of the affected family displaced on account of acquisition of land. It has been submitted that

though the representations were filed in 1993 and reiterated on several occasions, no employment has been provided and, as such, following the directive contained in G.O.Ms.No.656 dated 29.6.1978 appropriate directions should be issued.

2. The learned counsel appearing for the Housing Board has resisted the contentions raised by the petitioner. It has been submitted that the Housing Board does not have scope for generating employment keeping in view the nature of its duties and, as such, it is not possible for the Housing Board to give employment to the persons whose lands are acquired. It is further submitted that the land of the grand father of the petitioner has been acquired way back in 1972 and the G. O.Ms.No.656 issued in the year 1978 is not applicable and moreover, there is no scope for giving any employment at this belated stage.

3. It appears that the land had been acquired much prior to 1978. The Scheme referred to by the petitioner does not purport to have any retrospective effect. Even assuming that such a Scheme is applicable to the acquisition of land for the purpose of Housing Board, evidently such Government Order is not applicable to the acquisition of land already completed prior to the date of issuance of such Government Order. Moreover, even assuming that such Government Order was applicable to land acquisition proceedings completed prior to the issuance of such order, application for employment should have been filed soon after the passing of the Government Order. In the present case, the petitioner has filed an application in 1993, about 15 years after the G.O.Ms.No.656 came into force. The acquired land belonged to the grand father of the petitioner, but it is the grandson, who has raised a contention after such a long period to give a direction for providing employment to the petitioner.

4. For the aforesaid reasons, I do not find any merit in this writ petition, which is accordingly dismissed without any order as to costs.

19-07-2002

Index : Yes
Internet : Yes
dpk

To

1. The Secretary to Govt.
of Tamil Nadu,
Housing and Urban Development
Department,
Madras 600 009.

2. The Chairman-cum-Managing Director,
Tamil Nadu Housing Board,

Nandanam, Madras 35.

P.K. MISRA, J.

Judgment in W.P.NO.400/1996